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4 BILL NO. S-76-05- 26

5 SPECIAL ORDINANCE NO. S- 111-76

6 AN ORDINANCE amending Special
7 Ordinance No. S-69-76.

8 WHEREAS, heretofore on April 13, 1976, the Common
9 Council of the City of Fort Wayne, Indiana, adopted the
10 above numbered Ordinance S-69-76; and

11 WHEREAS, on April 19, 1976, the Mayor of the City
12 of Fort Wayne, Indiana, did approve and sign said Ordinance; and

13 WHEREAS, to satisfy the requirements of the Public
14 Employees' Retirement Fund to begin coverage of City Utilities'
15 employees formerly excluded, Sections 3 and 4 should be amended.

16 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
17 OF THE CITY OF FORT WAYNE, INDIANA:

18 SECTION 1. That Section 3 of Special Ordinance No.
19 S-69-76 shall be amended to read as follows, to-wit:

20 "SECTION 3. That persons entitled to receive
21 benefits as of June 30, 1976, according to the
22 provisions of the Municipal Utilities Pension
23 Fund Act, shall be paid such entitled benefits
24 from appropriate funds of the City Utilities as
25 long as the said provisions of the Act entitle
26 them to receive such benefits."

27 SECTION 2. That Section 4 of Special Ordinance No.
28 S-69-76 shall be amended to read as follows, to-wit:

29 "SECTION 4. That this Ordinance shall be in
30 full force and effect from and after its passage,
31 approval by the Mayor, for all intents and pur-
32 poses, except that the extension of PERF coverage
33 as set out in Section 1, shall begin as of
34 July 1, 1976."

35 SECTION 3. This Ordinance shall be in full force and
effect from and after its passage and approval by the Mayor.

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APPROVED AS TO FORM
AND LEGALITY,

[Signature]
CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by Nunja, and duly adopted: read the second time by title and referred to the Committee on Finance (and the City-Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on the _____ day of _____, 1976, at _____ o'clock P.M., E.S.T.

Date: 5-25-76

CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Tolquico, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>8</u>	<u>0</u>		<u>1</u>	
BURNS	<u>X</u>				
HINGA	<u>X</u>				
HUNTER	<u>X</u>				
MOSES	<u>X</u>				
NUCKOLS				<u>A</u>	
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE:

6-8-76

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. S-111-76 on the 8th day of June, 1976.

ATTEST:

(SEAL)

Charles W. Westerman
CITY CLERK

James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 8th day of June, 1976, at the hour of 11:00 o'clock A. M., E.S.T.

CITY CLERK

Approved and signed by me this 9th day of June, 1976, at the hour of 5:00 o'clock P. M., E.S.T.

MAYOR

Bill No. S-76-05-26

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance
amending Special Ordinance No. S-69-76

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

Vivian G. Schmidt - Chairman

William T. Hinga - Vice-Chairman

Winfield C. Moses, Jr.

John Nuckols

Samuel J. Talarico

Vivian G. Schmidt
William T. Hinga
Winfield C. Moses, Jr.
John Nuckols
Samuel J. Talarico

CONCURRED IN

DATE 6/8/76 CHARLES W. WESTERMAN, CITY CLERK

ORIGINAL

BILL NO. S-75-12-32

SPECIAL ORDINANCE NO. S- 69-76

AN ORDINANCE electing to extend coverage of the Public Employees' Retirement Fund of Indiana to employees of the City Utilities who are active members of, or eligible for, membership in the Municipal Utilities Pension Fund; and continuing payment of MUPF entitled benefits.

WHEREAS, some employees of City Utilities of Fort Wayne, Indiana have been covered under provisions of the Municipal Utilities Pension Fund Act of 1923, and some employees under the provisions of the Public Employees' Retirement Fund Act of 1945; and

WHEREAS, the Trustees of the Municipal Utilities Pension Fund (MUPF) with the concurrence and approval of the Board of Public Works, desire to eliminate certain inequities between the Municipal Utilities Pension Fund (MUPF) and the Public Employees' Retirement Fund and improve retirement plan terms and conditions for actively employed persons presently under MUPF; and

WHEREAS, investigation has established that the Public Employees' Retirement Fund (PERF) State of Indiana, is the retirement plan most suited to the needs and circumstances of all City Utilities employees; and

WHEREAS, the Board of Public Works and City Administration deem it desirable and feasible to place all City Utilities pensions on a funded basis under the PERF Plan; and

WHEREAS, a vote has been conducted among all actively employed and retirement pensioners of MUPF according to PERF Statutes; and

WHEREAS, the "Yes" vote of 223 of 234 eligible to vote exceeded by 47 votes the 75% affirmative vote required by the PERF Statutes; and

WHEREAS, 69 persons as of November 16, 1975, were receiving retirement, survivor, or disability benefits as provided under the provisions of the Municipal Utilities Pension Fund Act; and

WHEREAS, the City attorney has advised in Legal Opinion 2200, that continued operation of the Municipal Utilities Pension Fund is not in accordance with the provision of the law (Burns 48-6601 et Seq.) which requires "the operation of an electric light plant as public utilities";

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the Common Council of the City of Fort Wayne, Indiana, hereby approves the extension of coverage of the Public Employees' Retirement Fund of Indiana to those actively employed persons of the City Utilities now members, or eligible for membership, in the Municipal Utilities Pension Fund

APPROVED AS TO FORM
AND LEGALITY,

CITY ATTORNEY

heretofore excluded from PERF membership by Section 2, GENERAL ORDINANCE 2214, 1946.

SECTION 2. That prior service costs and current costs of coverage for these employees of the City Utilities to be covered by PERF shall be paid from the appropriate funds of the respective Municipal Utility.

SECTION 3. That persons entitled to receive benefits as of December 31, 1975, according to the provisions of the Municipal Utilities Pension Fund Act, shall be paid such entitled benefits from appropriate funds of the City Utilities as long as the said provisions of the Act entitle them to receive such benefits.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, for all intents and purposes, except that the extension of PERF coverage as set out in Section 1, shall begin as of January 1, 1976.


Councilman

Hinga, and duly adopted; read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 12-9-75

Charles W. Hutton
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hinga, and duly adopted, placed on its passage. Passed (EOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>7</u>	<u>0</u>	<u>1</u>	<u>1</u>	
BURNS	<u>X</u>				
HINGA	<u>X</u>				
HUNTER					
KRAUS	<u>X</u>				
MOSES			<u>X</u>		
NUCKOLS				<u>X</u>	
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 4-13-76

Charles W. Hutton
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution), No. 269-76 on the 13th day of April, 1976.

ATTEST: (SEAL)

Charles W. Hutton CITY CLERK
James Stier PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of April, 1976, at the hour of 11:00 o'clock A. M., E.S.T.

Charles W. Hutton
CITY CLERK

Approved and signed by me this 19th day of April, 1976, at the hour of 9:00 o'clock a. M., E.S.T.

Robert E. Cunningham
MAYOR

DIGEST SHEET

S 76-05-26

TITLE OF ORDINANCE: Special Ordinance-Amendment to PERC Resolution and Ordinance

DEPARTMENT REQUESTING ORDINANCE: BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE: Amend Sec. 5 of Res. No. R-30-76 (Bill No. R-75-12-09)

to read July 1, 1976, rather than Jan. 1, 1976, and amending Sec. 3 of Ord No. S-69-76
(Bill No. S-75-12-32) to read June 30, 1976, rather than Dec. 31, 1975, and to
amend Sec. 4 of same Ordinance to read July 1, 1976, rather than Jan. 1, 1976.

EFFECT OF PASSAGE: Satisfy requirement of Public Employees' Retirement Fund
to begin coverage of City Utilities employees formerly excluded

EFFECT OF NON-PASSAGE: PERC coverage would not begin

MONEY INVOLVED (Direct Costs, Expenditures, Savings): Same as in Bills being
amended. No additional cost.

ASSIGNED TO COMMITTEE (J.N.): Finance *J.H.*